

RECEIPT NUMBER
510501

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

04-60135

PAULETTE JACKSON,

Plaintiff,

vs.

McKESSON CORPORATION,
a Delaware Corporation,

Defendant.

JUDGE MARIANNE O. BATTANI

Case No.
Hon.

MAGISTRATE JUDGE R. STEVEN WHALEN

William A. Roy (P24123)
Attorney for Plaintiff
36700 Woodward Ave. Ste 205
Bloomfield Hills, MI 48304-0930
(248) 540-7660

U.S. DIST. COURT C. ECK
EAST DIST. MI
DETROIT, MI
04 JUL 15 P3:20

FILED

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, represented by ROY, SHECTER & VOCHT, P.C.,
and complains to this court as follows:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff, Paulette Jackson ("Jackson"), resides in the City of Highland Park, Michigan and is a citizen of the State of Michigan.
2. Defendant, McKesson Corporation, is a Delaware corporation, and is a citizen of the State of Delaware.

3. Defendant does business in the City of Detroit, Wayne County Michigan. All events transactions and occurrences complained of in this complaint occurred in Wayne County Michigan.

4. The amount in controversy exceeds \$75,000, including costs, interest and attorney fees.

5. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1331, 42 U.S.C. § 2000e and 28 U.S.C. § 1332.

6. Jackson filed a charge of discrimination with the Equal Employment Opportunity Commission on or about November 20, 2003, claiming that she was discriminated against based on race and age in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e ("Title VII").

7. The Equal Employment Opportunity Commission issued plaintiff a Notice of Right to Sue on June 8, 2004 (Exhibit A).

8. Jackson has filed this lawsuit within 90 days of the date she received the Notice of Right to Sue.

9. All conditions precedent to the institution of this lawsuit have been fulfilled.

COMMON ALLEGATIONS

10. Plaintiff is an African American female, 53 years of age.

11. Plaintiff was employed by Defendant from April 27, 1987 to November 10, 2003.

12. Plaintiff's job title was computer operator.

13. On November 10, 2003 plaintiff was terminated from her employment with defendant.

14. The reason given for plaintiff's termination was an error made by plaintiff.

15. Caucasian employees and younger employees who made similar or more grievous errors were not terminated.

16. Plaintiff was replaced in her position by a younger Caucasian male, who had been removed from the computer group for making too many errors.

17. The reason given for plaintiff's termination was false and a pretext for discrimination.

18. Plaintiff's employment was wrongfully terminated in violation of Title VII.

14. As a result of her termination, Plaintiff was damaged and suffered the loss of salary, benefits, employment opportunity, career status, humiliation, embarrassment, and extreme and accurate emotional distress and mental anguish.

15. Plaintiff filed an administrative complaint with the Equal Employment Opportunity Commission, file No:230-2004-00444.

COUNT I

RACE AND AGE DISCRIMINATION

19. Jackson realleges the Common Allegations and Jurisdictional Allegations as if set forth in full.

20. Jackson was terminated in material part because of her race and age.

21. Defendant provided employment opportunities to Caucasian and younger employees which were not given to African-Americans and older employees.

22. The actions of defendant, as described more fully above, discriminate against African-American employees and older employees, including Jackson, on the basis of race and age.

23. The actions of defendant, as described more fully above, violate Title VII.

24. As a result of defendant's discrimination on the basis of race, Jackson has been damaged, in that she has lost salary, benefits, employment opportunity, past, present and future, the prestige which comes with promotions, and career development and opportunity, as well as suffering that emotional distress which is the expected result of being the victim of discrimination.

RELIEF REQUESTED

Plaintiff requests judgment in an amount which will fully compensate her for her damages, along with costs and attorney fees sustained and whatever equitable relief the Court deems appropriate.

JURY DEMAND

Plaintiff demands a trial by jury.

ROY, SHECTER & VOCHT, P.C.



William A. Roy
Attorney for Plaintiff

Dated: July 14, 2004

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Paulette Jackson
13855 Brush Street
Highland Park, MI 48203

From: U.S. Equal Employment Opportunity Commission
477 Michigan Avenue
Room 865
Detroit, MI 48226

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
230-2004-00444	Frances Angiano, Federal Investigator	(313) 226-6806

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

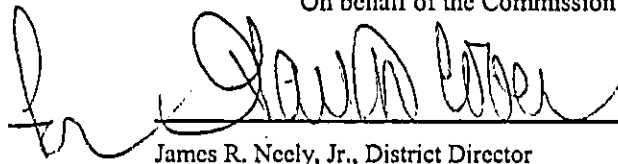
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☒ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


James R. Neely, Jr., District Director

6-8-04

(Date Mailed)

Enclosure(s)

cc: Respondent

JS 44 11/99

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Wayne

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

Paulette Jackson

DEFENDANTS

McKesson Corporation, a Delaware Corporation

04-60135

(b) County of Residence of First Listed

Wayne 26163

County of Residence of First Listed

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Roy, Shecter & Vocht, P.C., William A. Roy (P24123)
36700 Woodward Ave. Ste. 205
Bloomfield Hills, MI 48304 (248)540-7660

Attorneys (If Known) JUDGE MARIANNE O. BATTANI

MAGISTRATE JUDGE R. STEVEN WHALEN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item 11)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 2 ☐ 3 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 5
Citizen of Another ☐ 2 ☐ 3 Incorporated and Principal of Business in Another State ☐ 5 ☒ 6
Citizen or Subject of a Foreign Country ☐ 3 ☐ 4 Foreign Nation ☐ 6 ☐ 7

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multi district Litigation ☐ 7 Appeal to District Judge from Magistrate

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C.A. 2000c. Plaintiff was wrongfully terminated from employment with Defendant because of her race and age.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$DEMAND
\$250,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

7-14-04

SIGNATURE OF ATTORNEY OF RECORD

William A. Roy

1. Is this a case that has been previously discontinued or dismissed?

☐ YES

☒ NO

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ YES

☒ NO

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes: